

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

BRANDON L. ROBERTS,)	
)	
Claimant,)	IC 03-003869
)	
v.)	ORDER
)	
NEW SCHWEITZER, LLC, dba)	
SCHWEITZER MOUNTAIN RESORT,)	
)	Filed
Employer,)	June 10, 2005
)	
and)	
)	
LIBERTY NORTHWEST)	
INSURANCE CORPORATION,)	
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Robert D. Barclay submitted the record in the above-entitled matter, together with his findings of fact and conclusion of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with the recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

ORDER - 1

1. Claimant was an employee of Employer at the time of his snowboarding accident.
2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issue adjudicated.

DATED This 10th day of June, 2005.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
James F. Kile, Commissioner

/s/
R. D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2005, a true and correct copy

of the foregoing **Order** was served by regular United States Mail upon each of the following:

JOSEPH E JARZABEK
ELSAESSER JARZABEK ANDERSON MARKS ELLIOTT & McHUGH CHRD
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kk

/s/_____